

Appl. No. 10/577,050
Amd. dated 11/24/2008
Reply to Office Action of 05/22/2008

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claims 14, 15 and 16 are currently pending. Claim 14, which the Examiner indicated as allowable, has been rewritten in independent form. Claims 15 and 16 have been amended to depend from claim 14. Claims 1-13 and 17-20 have been canceled. No new matter has been added.

Claims 9-16 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for some microorganisms, does not reasonably provide enablement for any organism. Claims 9-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The § 112 problems have been addressed in the rewriting of claim 14 in independent form.

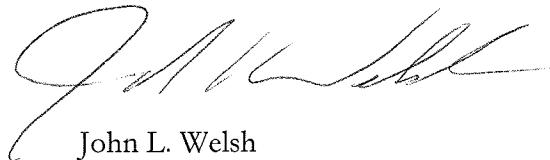
Claims 9 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lin et al. Claims 9, 10 and 16 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,033,813 to Castor et al. Claims 11-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lin et al. in view of Kamihira et al. These rejections are deemed moot in view of the amendment to claim 14.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

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If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,



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